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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,709	10/23/2001	Yuji Saiki	04558.057001	2960

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EXAMINER

SEFER, AHMED N

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,709

Applicant(s)

SAIKI ET AL.

Examiner

A. Sefer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a polarizer comprising a first and a second portions, an exposed adhesive layer, a reflector or transreflector, a retardation plate, a compensating film, a brightness enhancement film, and a separator as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1- 4, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. US PG-Pub No. 2003/0048396.

Ishii et al disclose (see fig. 1, page 1, par. 0012 and page 4, par. 0054) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700 nm, wherein the first portion and the second portion are laminated or directly laminated (as in claim 17) by an adhesive (as in claim 18).

Regarding claim 2, Ishii et al disclose (see page 3, par. 0040) the first portion and the second portion are laminated by an adhesive (unnumbered).

Regarding claim 3, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Regarding claim 4, Ishii et al disclose (see page 3, par. 0040) the adhesive is a polyvinyl alcohol-based adhesive.

4. Claim 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. US PG-Pub No. 2003/0048396.

Ishii et al disclose (see fig. 1, page 1, par. 0012 and page 4, par. 0054) a liquid crystal display comprising on at least one side of a liquid crystal cell; a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700

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nm, wherein the first portion and the second portion are laminated or laminated by an adhesive(as in claim 14).

5. Claims 1-3, 5-8, 10, 11 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameyama et al. USPN 6,088,079.

Kameyama et al disclose (see fig. 7, col. 9, lines 1-21, col. 11, lines 28-41 and col. 14, lines 24-45) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700 nm, wherein the first portion and the second portion are laminated or directly laminated (as in claim 17) by an adhesive (as in claim 18).

Regarding claim 2, Kameyama et al disclose the first portion and the second portion are laminated by an adhesive.

Regarding claims 5 and 6, Kameyama et al disclose the adhesive is a urethane-based adhesive or pressure-sensitive adhesive (as in claim 6).

Regarding claims 3 and 7, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Regarding claim 8, Kameyama et al disclose (see col. 11, lines 14-20) the first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm and the second portion having a polarization degree of 99% or more at each

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wavelength of light for wavelengths of 550 to 700 nm are laminated so that the absorption axes are disposed in parallel to each other.

Regarding claim 10, Kameyama et al disclose a retardation plate or a λ plate 2 attached to the polarizing plate 3.

Regarding claim 11, Kameyama et al disclose (see col. 10, lines 14-25) viewing angle compensating film attached to the polarizing plate.

Regarding claim 16, Kameyama et al disclose (see col. 15, lines 1-25) a separator. As for its function, a recitation of an intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

6. Claim 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameyama et al. USPN 6,088,079

Kameyama et al disclose (see fig. 7, col. 9, lines 1-21, col. 11, lines 28-41 and col. 14, lines 24-45) a liquid crystal display comprising on at least one side of a liquid crystal cell; a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700 nm, wherein the first portion and the second portion are laminated or laminated by an adhesive (as in claim 14) or pressure-sensitive adhesive (as in claim 15).

7. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozeki et al. USPN 6,498,633.

Ozeki et al disclose (see fig. 1, and Table 1) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700 nm, wherein the first portion and the second portion are laminated.

As for claim 9, Ozeki et al disclose (see col. 7, lines 54-57) a reflector or a transreflector attached to the polarizing plate.

8. Claims 1, 2 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamamoto et al. US PG-Pub No. 2003/0086170.

Hamamoto et al disclose (see page 1, par. 0022-0024, page 5, par. 0063 and abstract) a polarizing plate comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 420 to 550 nm, and a second portion having a polarization degree of 99% or more at each wavelength of light for wavelengths of 550 to 700 nm, wherein the first portion and the second portion are laminated.

Regarding claim 2, Hamamoto et al disclose the first portion and the second portion are laminated by an adhesive.

Regarding claim 10, Hamamoto et al disclose (see page 1, par. 0022) a retardation plate or a λ plate attached to the polarizing plate.

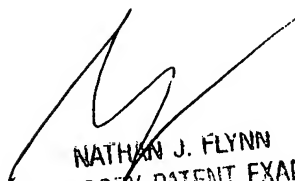
Regarding claim 11, Hamamoto et al disclose (see page 1, par. 0023) viewing angle compensating film attached to the polarizing plate.

Regarding claim 12, Hamamoto et al disclose (see page 1, par. 0024) brightness enhancement film attached to the polarizing plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (703) 605-1227.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601.

ANS
July 26, 2003


NATHAN J. FLYNN
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